

REMARKS

Examiner has rejected Claims 1, 3-4, 6, 8 and 22 under 35 U.S.C. §103(a) "as being unpatentable over *Knuth et al* (5,406,618) in view of *Ahluwalia* (6,370,506)." In response, Applicant has amended Claims 1 and 22 and respectfully traverses Examiner's rejection. Specifically, Examiner states that *Ahluwalia* ('506) "suggests a voice mail system [which] operates direct from the user commands...in order to provide convenience for the user to operate the voice answering machine." However, Applicant respectfully points out that *Ahluwalia* ('506) is, alone, unable to provide a user with the operational benefits of an answering machine. That is, the only operation of a voice answering machine suggested by *Ahluwalia* ('506) is to a **remote** machine. No such on-board message acquisition application is discussed or suggested by *Ahluwalia* ('506), nor is any remote message acquisition discussed or suggested by *Knuth* ('618). Each is an independent device/system with a specific functionality. *Ahluwalia* ('506) is a device directed toward, and limited to, "in-call" signaling (Col. 1, line 10; Col 2, line 17). In fact, a user of the *Ahluwalia* ('506) invention would need to call the *Knuth* ('618) device in order to retrieve a message therefrom, and a user of the *Knuth* ('618) device would be unable to receive any message other than those direct-called, with no consideration of external mail access. Applicant's device eliminates this need for independent, yet cooperative and communicating devices, by combining a variety of

technologies, never heretofore combined, into a unique, novel and non-obvious device. "A patentable invention, within the ambit of 35 U.S.C. §103, may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose, without producing anything beyond the results inherent in their use." *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Therefore, Applicant respectfully asserts that the proper consideration is not each feature, taken alone, but the overall combination offered by Applicant's device, as a whole.

Unlike Applicant's device, the device of *Ahluwalia* ('506) is limited to performing as an interface, assisting the user with outbound calls into a variety of externally located systems. There is no provision for receiving in-bound callers, or directly maintaining messages. Instead, *Ahluwalia* ('506) is an outbound interface device, and there is no recognition in the art, even in view of the "disclosures taken as a whole," nor is there any suggestion, that a combination of such an outbound verbal interface with an inbound messaging system would be beneficial. This combination is the unique and non-obvious combination of Applicant.

*Ahluwalia* ('506) does speak on the use of voice recognition to dial a phone via the conversion to dual tone multiple frequency signaling, however, just as *Knuth* ('618) uses voice recognition technology to operate a hands-free answering machine differently than

the discussed hands-free operation of a microwave or clothes dryer, Applicant uses voice recognition technology differently than *Ahluwalia* ('506) and *Knuth* ('618). *Ahluwalia* ('506) is a system and device that essentially enables the user to create a glorified virtual phone book, wherein upon placing a particular call, a particular word will represent a particular dtmf signal, as assigned.

Thus, each number can have a different "series" of tones associated with a given word. *Ahluwalia* ('506) is self described as able to "be entirely hardware," or "entirely software." Col. 4, lines 7-10. Applicant's device requires both because Applicant's device is capable of functioning as a standalone unit, or in operative cooperation with external mail systems.

*Ahluwalia* ('506) can function as "entirely software" because it does NOT function as an answering machine, and it does NOT include motion detection sensory mechanics. To change *Ahluwalia* ('506) to enable such functionality would change the principle of its operation, that is, would eliminate the ability of *Ahluwalia* ('506) to function as "entirely hardware" or "entirely software;" would impart *Ahluwalia* ('506) with an inherent functionality (on-board message storage) that is, irrefutably, a change in the principle of its operation, as it is intended ONLY to function as a mobile terminal interface. Thus, because "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the

references are not sufficient to render the claims *prima facie* obvious," *In re Ratti*, 270 F.2d 810 (CCPA 1959), Applicant respectfully points out that Applicant's multi-functionality, in-bound message receiving device with both hands-free message retrieval direct from the device itself, and with out-bound, hands-free message retrieval from external mail systems, is not obvious.

With respect to Claim 8, Examiner states that *Knuth* ('618) discloses "a timer apparatus, wherein operation of said at least one motion detector is limited to a specified interval of said timer apparatus." However, Applicant respectfully points out that the timer of *Knuth* ('618) does NOT dictate functionality or operability of the motion detector, but is a pre-set timed delay following the operation of the motion detector. Applicant's timer enables a user to set a pre-determined time window, for example, while the user is away during a traditional 9am-5pm workday, wherein the motion detector would remain non-operational during such a window, but would be functional thereafter. Thus, if an individual were to enter a home with Applicant's device during such a time window, Applicant's device would NOT be activated. If an individual were to enter a home with the *Knuth* ('618) device, the motion detector would be operational and would be activated, with only a pre-determined delay thereafter before message information would be announced. The timer of *Knuth* ('618) does not operate as the timer of Applicant's claimed device, which is directed toward specific operational control of the

motion detector, and NOT a time delay following the operation thereof. Applicant has amended Claim 8 to more succinctly describe this feature, clarifying that Applicant's timer may prevent operation of the motion detector.

With respect to Claim 7, Examiner has referenced *Hartstein* ('695), for delivery at a designated date. However, Applicant respectfully points out that, unlike *Hartstein* ('695), Applicant's device enables a third-party leaving a message to direct a specific date for delivery, such a physician offering a reminder call for an appointment, or reminding an individual to perform a medical test or take medication. See P. 10, ¶2. None of the references enable such a solution to the problem of individual forgetting potentially life and death information. Unlike *Hartstein* ('695), Applicant's date of message delivery does not result only via user operation or direction. Applicant has amended Claim 7 in order to more succinctly point out this distinction, clarifying that a date for message delivery may be selected by a "message creator," independent of whether that individual is the user (creating an "in-home" message), or a third-party external caller.

Examiner has also referenced *Irribarren* (5,349,636) and *Ito* (2001/0036264), in combination with those above. However, in addition to Applicant's traversal regarding *Knuth* ('618) and *Ahluwalia* ('506), Applicant respectfully notes that, like *Ahluwalia*

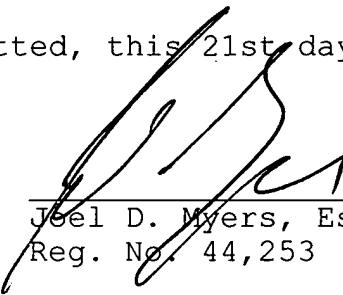
(`506), *Irribarren* (`636) is an interface for external mail systems, and that *Ito* (`264) is a wireless telephone. Some features of each, as with the other references, may be similar to some features of Applicant's device. However, Applicant's device is NOT simply an interface. Applicant's device is NOT simply a wireless telephone. Nor is Applicant's device simply a hands-free answering machine.

Taken as a whole, Applicant's device has not been described in the references, even if the numerous combinations suggested by Examiner were to be undertaken. No previous device has combined the "whole" of Applicant's device: (1) the ability to receive messages, both in person and via an in-coming telephone line, for on-board storage; (2) the ability to retrieve BOTH on-board messages AND, via an out-going line, externally held messages, both email and voice, all via a hands-free methodology; AND (3) the ability to be notified of the presence of BOTH or EITHER on-board messages AND/OR externally held messages, both email or voice, following motion detection, wherein the detection may be prevented for particular times of day. Further, even if one were to combine all the references cited by Examiner, would arrive at such a unique device as is offered by Applicant. Therefore, Applicant respectfully requests Examiner reconsider his rejections, in view of Applicant's invention, taken as a whole, and as claimed, wherein no previous inventor, nor group of inventors, have recognized the particular set of needs that are addressed by Applicant's device.

CONCLUSION

The above amendments to the claims are corrections to form and thus, no new matter was added. In consideration of the comments hereinabove, and in light of the above-amended claims, Applicant respectfully believes that all remaining Claims are now allowable. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted, this 21st day of February, 2006.

  
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